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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/786,670	02/25/2004	Christian Eichrodt	60705-1351

CONFIRMATION NO. 3024

24504

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FORMALITIES LETTER



OC000000013612585



Date Mailed: 08/23/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 5 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

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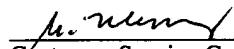
09/03/2004 HALI11

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omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application Of: Eichrodt, et al

Group No.: 2631

Serial No.: 10/786,670

Docket No. 60705-1351

Filed: February 25, 2004

Confirmation No.: 3024

For: **System and Method for Implementing a Delta-Sigma Modulator Integrity Supervisor**

RESPONSE TO NOTICE OF OMITTED ITEMS

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application, Filing Date Granted, dated August 23, 2004, please find enclosed:

1. Copy of page 5 of the specification;
 2. A copy of the Notice to File Missing Parts of Application, Filing Date Granted;
- and
3. Government fee in the amount of \$130.00 to cover the additional surcharge fee for filing this Response to the Missing Parts Notice.

The Notice of Omitted Items presented the Applicants with three options (numbered I, II, and III). Should the PTO not except the accompanying page 5, then Applicants elect option number III (i.e., the Applicants will accept the application as filed). In this regard, Applicants emphasize the following factors:

- i) the materials on page 5 are not necessary to support the claimed invention, as they pertain to background section, which merely provides a description of prior art (which is known to persons skilled in the art); and
- ii) the present application is a division of a parent application, which has now issued as U.S. Patent 6,765,954 (courtesy copy attached). The contents of missing page

5 are contained within issued patent 6,765,954 at col. 3, line 47 through col. 4, line 20. As the present application claims priority to the parent (now issued patent), the subject matter of the accompanying page 5 is fully supported by the parent application.

Should any additional fee be required with this submission, the Commissioner is authorized to charge Deposit Account 20-0778 for any deficiencies or credit any over payments.

Respectfully Submitted,

**THOMAS, KAYDEN, HORSTEMEYER
& RISLEY, L.L.P.**

By: 
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